LITTLE BLUE BOOK NO. 1425
Edited by E. Haldeman-Julius

The Open Shop

A Defense of Union Labor

Clarence Darrow

LITTLE BLUE BOOK NO. 1425
Edited by E. Haldeman-Julius

The Open Shop

A Defense of Union Labor

Clarence Darrow

HALDEMAN-JULIUS PUBLICATIONS
GIRARD, KANSAS

Copyright,
Haldeman-Julius Company

The cause combated for is yours; the efforts and sacrifices made to win it ought therefore be yours.
—*Mazzini.*

PRINTED IN THE UNITED STATES OF AMERICA

THE OPEN SHOP

A DEFENSE OF UNION LABOR

Open Shop: A shop in which workmen of different classes, especially nonunion and union workmen, are employed without discrimination—opposed to *closed shop.*

Closed Shop: A shop that refuses to employ one or more classes of workmen; especially one closed to nonunion workmen.—*Webster's New International Dictionary.*

Under the present system of industrial life there are bound to be employers and employed. It matters not if here and there someone rises from the ranks of the workmen and becomes an employer, or even if some less fortunate man falls from the master class to the laboring class, the system goes on without the least regard to men, and this system calls for employer and employed. The wage system has existed ever since serfdom and is so much a part of industrial life that most people do not conceive that society could live without it.

However men may dislike the use of the word *class*, which is only a little bit removed from *caste*, still so long as the wage system lives there must be an employing class and a laboring class. The one has the land, the mines, the forests, the railroads, the factories and mills—in short, all the means and tools of production; and the other has the labor, which must be applied to these implements to produce wealth. Again, in the evolution of society, the workman, at least in America, is getting further and further removed from the tools of his trade. Improved methods and ma-

chines constantly call for larger production and more expensive tools. The old-time artisan is well nigh gone; neither he nor his tools would have any place in the industry of today. More and more is all production passing into larger hands, which, of course, means fewer hands. The relative number of employers is growing less, and of workmen growing greater. If it should be conceded that any considerable number of laborers, by frugality and industry, by intelligence and luck, could place themselves in the employing class this could not change the order of the world. To operate a railroad or a rolling mill requires a large number of laborers. If one dies or grows rich another must take his place.

Capital, in its effort to multiply itself, constantly invents new methods of production, new tools and implements, and is ever busy in systematizing and organizing its activities to produce the greatest amount from the smallest expenditure of time and strength. Thus the mileage of railroads under one management is ever lengthening, mills and factories and department stores ever growing larger, and a constantly increasing number of workmen are placed under one supervision and one head. It is not necessary to speculate as to whether monopoly is wise or best. The fact is that the growth of monopoly is inherent in our present industrial system, and all efforts to hamper by passing laws or bringing criminal proceedings are not only useless to accomplish the result desired, but are meddlesome and mischievous in the extreme. In all the activities of man some account must be made of natural law, and any method that flies directly in its face is bound to fail. Under present methods there is economy in production on a large

scale, and so long as this is true laws and public opinion alike will be helpless to prevent the tendency to big things in the industrial world.

The masters of finance have always condemned every effort of courts and law-makers to destroy monopoly, and have ever stoutly held that they should be left unhampered to organize and consolidate at will. If this method is pursued to the end it would mean the ultimate organization of all industry under a single head. And if there is economy in big things there is no reason why the end will not some time be reached. In fact, the growth of organization and monopoly in the last few years makes this end much more real than a dream.

It is evident that the employing class has a much greater degree of liberty and independence than the working class. Not only this, but they have much the greater and better directed energy and power. The employing class, from the nature of things, has an accumulated surplus on hand and can afford to wait. Though machines and railroads lie idle and no profits are earned, still the owners of capital are safe from want or serious inconvenience, for an indefinite time. But the workman's case is not the same. The very fact that he is a laborer, selling his energy and skill from day to day, shows that he cannot wait. Not only does he lose his capital, but in the shortest time want and hunger overtake him and force his surrender. Add to his own inconvenience the suffering of his family and there are always but a few days between the workman and absolute capitulation to the employer. Assume that a considerable number of workmen are far removed from want, still

the great mass are always on the verge, and in any protracted struggle the employment of those who can afford to wait is always threatened by the ones who cannot. Every workman is almost directly dependent on his employer. If one of the operators of the Western Union Telegraph Company refuses to work it is a matter of no consequence to the company, but if the Western Union refuses employment it is of very serious concern to him.

From the earliest time all men have always known the vast advantage that goes with wealth. It is for this reason that men have ever struggled to place themselves beyond want, and to provide for a rainy day.

In the work of production capital gathers together the raw forces that it needs and combines these into the finished product which the market wants. The individual employer counts for little in this work of supplying things for trade. He is as much the creature of law as the workman or his tools. The law of trade requires that he shall find the cheapest market in which to buy, and the dearest one in which to sell. Whatever may be the employer's views or feelings he must recognize this law, for he finds himself everywhere in competition with other employers keen and ready to take advantage of any opportunity that the laws of trade place in his hands. Employers have always been the first to recognize the effects of unlimited competition amongst themselves, and to strive by tariff laws, by combinations and pool agreements, and in every way to destroy this cutthroat competition and protect the price of the wares they have to sell. There are not less than ten different lines of railroad by which either singly or through connections the traveler can be carried from Chi-

cago to New York, and yet by agreement these competing lines regulate the price of passenger and freight service, so that the different classes of roads charge the same amount, and competition is destroyed. What is true of these railroads is rapidly becoming true in all lines of production, and dire are the punishments that these combinations visit upon the offender who refuses to abide by the rules and restrictions they lay down.

In this work of production capital buys coal, and ore, and lumber, and labor, and any other raw material that it needs. So far as the capitalist is concerned, labor is as much a commodity to be purchased in the open market as any other product that he buys. Thus it is that the tendency is ever to buy the cheapest labor that will fulfill the market's needs. With the increasing use of machinery the movement towards cheaper labor becomes easier as time goes on. The skilled workman can be replaced with the feeder of a machine, the intelligent laborer with the ignorant, the American with the latest imported foreigner, the European with the Asiatic, the man with the woman, and the woman with the child. Barring periods of great industrial activity and the interference of laws and trade union regulations this movement has been growing with ever increasing force through the industrial development of the United States. Statistics show how rapidly women are made to supplant men, and children to take the places of women in all industries, when improved machinery makes the weaker class of labor available for the production of goods for market.

Not only this, but the cheapest and more helpless the labor the easier has it been for the employer to demand the hardest condition of toil.

Here again the fault is not with the master, but with the market that is all-controlling. But the ignorant and weak, the foreign-born coming from the lower standard of life, and ignorant of our language, and the helpless women and little children will readily submit to the hardest terms: long hours, dangerous tools, unsanitary conditions. In short, any employment that puts off starvation.

In spite of the fact that from the standpoint of the employer and the market, labor is a commodity like any other to be bought at the lowest price and worked into the finished product, still in a limited way society and the law have always recognized that this commodity is not exactly the same as wood and iron and must be governed by a somewhat different rule. Labor is really life. It is the strength and energy and time of human beings given day by day to someone else. To give it without any return is slavery; to take it for an unjust or insufficient return is only so much less.

Making goods for the market (theoretically at least) is not the first concern of the state. Its first concern is the protection of human life and liberty, the general welfare of all the people intrusted to its care. All states are made up chiefly of the workers, those who have little accumulated capital and who are obliged to labor from day to day to obtain the means of life. Any terms or conditions which tend to weaken and impoverish these must tend to weaken and impoverish the state, and any laws or regulations that tend to protect or better the conditions and welfare of this, the largest class of citizens, are in the line of the duty of all government. Of course here, as everywhere, men make mistakes, and many laws and conditions meant to help, serve but to impede, and

often natural laws would have been best when left alone, and more often still the desired result could be reached better through indirection than in any direct way. But all of this in no way changes the law that the concern of government is the protection and welfare of the great mass of its fellow men.

All classes have ever been insistent on their own rights, and regardless of the interests of their fellow man. Thus the captains of industry have ever stoutly maintained their right to monopolize and control; have ever built up their combinations even against positive human law, but they just as loudly deny the right of the working man to monopolize and control the one commodity he has to sell—his labor—which is his flesh and blood, his very life.

Against this tendency of the market to get the cheapest, to replace the skilled with the unskilled, the intelligent with the ignorant, the strong with the weak, the man with the woman, and the woman with the child; against this tendency of the market to lengthen hours of labor, to furnish unsafe tools and unsanitary conditions; against this tendency of the market to take the most and give the least, the trade unions have always been the strongest force. Laws have no doubt done something, much more abroad than here, but in America, with the opportunity of a new rich land, until recent times, these unbounded natural resources were supposed to do away with any of laws. But both in America and Europe the power of trade unions, always exerted to help the members of their craft, has done more to improve the condition of the workman, to give to labor a larger share of production than all other forces combined. Endless facts and arguments could be marshaled to support this statement,

but it is enough that through all the ages the working classes have clung to their unions; have supported them, and built them up in the face of the most powerful influences of society; in the face of legislatures and courts; in spite of starvation, of jails and scaffolds, they have clung to them in good repute and bad as the one thing that stood between them and the serfdom from which they came. And just as persistently the employing classes from the beginning until today have sought by every means at their command—public opinion, the press, legislatures, courts and jails, to destroy these organizations of working men.

Employers have ever regarded labor unions as hostile to their rights; they have so regarded them because it has been the business of organized workmen to get shorter hours, better conditions, safer tools, and a larger share of production than the workman individually could obtain.

Capital has ever resented the interference of organized labor with what it calls its rights; that is, the complete and arbitrary control of all industries to suit its will. Capital can never understand that labor should have any voice in managing the industrial institutions of the land; it cannot realize that the man who works in a mill, or on a railroad, is as vitally interested in its management and should at least have as much to say about hours, conditions, and terms of labor as the one who has nothing but money invested in the plant. True it is that under the present conditions of production the capitalist has the title to the plant and can shut down if he sees fit. But it is just as true that laborers, either singly or collectively, may refuse to take employment except on such terms and conditions as they choose.

If employers and employes alike, from the earliest time, have agreed that labor unions benefited the workman by giving larger wages, shorter hours and better conditions, little further proof should be required.

The individual laborer is absolutely helpless in the presence of the great industrial institutions of today. Imagine one workman amongst forty thousand employes of the Pennsylvania Company making a demand for shorter hours and better terms. There has always been one quick and ready answer to such demand: "If you don't like the terms you had better find another job." Individually the man is helpless; the trade union has furnished the common workman the one institution to which he can look for friendship and protection; the one body on which he can rely for the redress of his grievances, and the protection of his rights, and if society were to remove that protection and safeguard, and cut the workman off from his fellows, and leave him to fight his individual battles against the great combination of capital for whom he works, it would leave the laborer stripped and naked to commence his long and painful journey back to serfdom once again, and when he starts out upon this road, the great mass of men whose independence has been won along with the workman's struggles, the great middle class, must go back with him.

Under present industrial methods it is not merely a question of whether a workman can make better terms through his union by collective bargaining. It is the only way in which he can make any terms whatever; without the union the workman has nothing at all to say about his wages, or his hours, or any of the terms and conditions of the employment he

takes. Imagine the solitary brakeman on a great railroad system going to his foreman and disputing about the price of service or the hours of service. Imagine one track man, by this system of bargaining, getting any more for himself than is paid to all the rest. Without collective bargaining the employer fixes the rate of wages, and all the terms and conditions of his contract, and the individual workman may take it or leave it alone, as he sees fit. If he refuses the employment the place is left open until someone more needy than himself shall be found to fill it. But with all the men operating together and a common refusal to accept the terms or conditions offered, they may meet their employer on something like equal terms

Trade unionism has grown so old and strong and has been so much patronized by surface thinkers, as well as by that large class who always seek the easiest way, no matter how indirect, that the opposition is not now so much directed against the union as against everything it does. Most people are now willing that workmen shall be organized, provided they do nothing but pass resolutions and pay dues.

The fight waged against unionism today is no less bitter than it was fifty or seventy-five years ago. It is simply directed along other lines. Now, as always, both with trade unionism and every idea and institution that points to a different method from the one the world has known so long, the new idea is sought to be placed in the wrong to be against the law and existing things, and utterly without reason or excuse.

Just now the popular line of opposition against unionism is made in the violent demand for the "open shop." This contention is

supported by all sorts of statements and arguments, mostly false in premises and hysterical in nature. The reasons that have always prompted unionists to demand the "closed shop" have been entirely ignored and their arguments made to turn on something else.

So long and vociferously have the enemies of trade unions declared for the open shop that no doubt many of them really believe that they are fighting for some principle of liberty and justice and not to serve their selfish ends. Mainly their arguments consist in various statements of the assumption that every man has an inalienable right to work when he pleases, for what wages he pleases, and for whom he pleases. The word *inalienable* sounds well, for it is taken from the Declaration of Independence, but it has no meaning in this connection. An "inalienable" right is one which cannot be taken away, and it is obvious that under present conditions no such right exists. In fact, it is stoutly contended for by the very men who have taken away every opportunity that would give a laborer a right or chance to work. Man cannot labor without an opportunity to apply his hands to some of the bounties of nature, to some material from which things are made, and still the inalienable right to work is insisted upon by those who have taken all the coal, and ore, and lumber; who control all the factories and railroads, all the land, and every means to which man might apply his toil. There can be no inalienable right to work without a place to work, and neither the government nor those who declaim the loudest or insist the most, have ever furnished the laborer a place to toil. To this class the inalienable right to work means sim-

ply the inalienable right of the employer, without let or hindrance, to go out in the open market and bid for laborers on the hardest terms, or, rather, to so order the industrial world that all men and women and children must bid against each other for a right to toil. No organized government and no powerful body of men ever really made any demand or enforced any means that would give to every working man an inalienable right to work. All the right a laborer has under the law, or under present industrial methods, is the right to go from employer to employer in search of work. His right to work depends entirely upon his ability to find someone who has the means and inclination to hire him, and no matter how willing or anxious he cannot force himself upon an employer, but he may be denied this inalienable right upon any reason or pretext no matter what. The great mass of working men today have practically nothing but their hands. Where are they to go to enforce this inalienable right? No one knows better than the men who make the statement that the right rests purely upon the master's will, and could trade unionism be destroyed the will would be harder and more arbitrary, and the right to work far less availing than it is today. The inalienable right to work is a bit of birdlime, used to catch the unthinking mass, and society and all industrial life must be made over, or, at least, radically changed before such a right is anything except a far-off dream.

Under the conditions that now seem permanent and well assured, the workman is fairly certain of two things in respect to this boasted right. He has the right to go from place to place and ask for work, and if he finds no one

who will take his services at living rates, he has a right to go to the poorhouse for support. Of course, every effort of trade unionists has been made for the purpose of giving him greater freedom and independence, not less; and it is because of this that it has ever met the violent opposition of the employing class. The inalienable right to work cannot be said to be greater or more manifest than the inalienable right to play, though it has been much more urged. This is no doubt due to the fact that those who have so strongly defended it on the part of others have been much more interested in their work than in their play. If the Declaration of Independence can be said to cover and protect any such right it must be by virtue of the clause in the Declaration of Independence, which judges have called the soul of the constitution, which declares that all men have an inalienable right to the pursuit of happiness. But it is manifest that this provision could be much more easily construed to protect the right to play or the right to social enjoyment than the right to work.

No doubt, if the occasion should arise, courts would insist that every man had the right to amuse himself in ways not prohibited by law, provided, always, that he amused himself alone, or found his pleasure in certain places of public amusement that the laws had always stamped as public, for the reason that their owners appealed to and bid for the patronage of the crowd. But it is very certain that no one would ever contend that the right to the pursuit of happiness gave anyone the right to associate with another against his will, to enter his parlor or his home, or his company without invitation, and when his presence was

not desired. The workman has as much right to choose the companions with whom he will associate in labor, as the employer has to choose the friends with whom he will spend his pastime. The employer has no more right to force any fellow workman upon another during the hours of toil, than the workman has to force his own, or some other person's, society upon the master during his hours of recreation. Each must be free to choose, and the choice may be made for the best or the poorest reason, as the individual shall desire. For a master to insist that because he is a master an employe is bound to work with anyone whom the master shall elect, is not only impudent and insulting in the extreme, but utterly subversive of individual rights.

Of course, both master and workman may exercise the right of association in work and in play, in violation of the highest ethical code, but this has no relation to the right. Men have always been filled with prejudices, just and unjust, against their fellow men. It is, no doubt, only a violent prejudice that could bar many workmen from their employers' parlors in social life, but it is a prejudice that the employer has a perfect right to indulge if he sees fit and to deny that right would leave him no longer the master of himself. The reason why a union workman does not choose to work with a non-union workman is plain and evident and founded in the protection of himself and his fellow craftsmen. But if it were prejudice and nothing else his right to indulge it would be beyond dispute. Instinctively men love the society of others of their kind. This is true the same whether this association is for work or play, and the man who desires the society of

his companions must so conduct himself that his associates are content to live with him. If he sees fit voluntarily to so arrange his life that his fellows do not desire his company he must accept the consequences, however unreasonable society may be. Whether the boycott is just or unjust, equitable or inequitable, has no bearing on the case. In this world men are not crucified because they are good or because they are bad, but because they are unlike their fellows. Trade unionists for centuries have believed that they are upholding the rights of men, the welfare of their class; that without their organization their liberty and independence would be lost; they have come to regard the non-union man as one who not only refuses to stand with them, but who is unloyal to his class, a traitor to his kind. They look on him as a man who seeks to undermine and destroy his fellow workmen, and from the nature of things there is a great gulf between them and him. This is not a fact in trade unionism; it is a fact in human nature, and is as deep and abiding as the right of self-defense. For, in its last analysis, it is self-defense.

The employing class has exactly the same feeling toward one of its own members who gives his influence and strength on the side of the union workman, and who refuses to stand with them in their opposition to the demands of labor, that the trade unionist has to the one he calls a scab. Neither is loyal to his class. Both pay the penalty of their disloyalty to their class; they are cut off from the friendship and association with others of their kind. Doubtless some men take these positions from high motives, but this in no way saves them

from punishment, for this social boycott is nothing but the effort of the class to protect itself. The non-union workman is unpopular with his fellow laborer, but he is in good standing with his employers, for they know him to be their friend, and that he helps them against the common enemy who would take a portion or all the profits they otherwise might get. Likewise, the trade union employer is unpopular with his class, for they know that he is working in the interest of the other side. but he is popular with the workman, for he knows that this man, though a member of the employing class, is his ally and his friend. So long as industry is operated by two classes in hostile camps there will be no compromise and no toleration of a man who is not loyal to his kind.

Trade unions in this regard are not unlike any other class. The doctors and the lawyers, the brokers and the bankers—in short, all sorts of trades and professions—organize for their own protection. Everyone knows how doctors and lawyers regard those members of their profession who will not be bound by their rules as to charges, advertising, and generally such conduct as they term the ethics of their professions, which in its last analysis is the establishment of such rules and regulations as, in their opinion, tend to the improvement of their own condition. Of course, doctors and lawyers, like trade unionists, will stoutly insist that these rules and regulations benefit the public more than their own craft or profession. Perhaps this is true, but, whether true or not, the instinct of self-preservation causes each member to regard one who wilfully stands outside as an enemy to his craft.

But the law has never said that even theoretically a man has any such inalienable right. A man's right to work, like every other right, has always depended upon what he does and how he does it. In short, as to whether his means of exercising this right conforms to the public good. Long since the United States excluded the Chinese from America and forbade employers from going to any foreign country and contracting to bring labor here. This rests upon one principle alone, that the maintenance of a certain grade and scale of living compensation for labor is vital to the interests of our people, and that the protection of workingmen in this rate of wages is the protection of the land. If it is right to protect American workmen against the cutthroat competition of Chinese and foreign contract labor, then the same logic makes it right to protect them against unjust competition at home, against the aggressions of the vicious workman, the ignorant workman, the weak workman, the woman and the child. It matters not whether lawmakers have ever carried legislation to this point. The reason for the one is the same as the other, and the workman has the same right to make his own rules and regulations and to protect it by contract in the one case that he has in the other.

But the law which has never been overfriendly to labor has gone much further and has recognized every principle for which the union contends in the closed shop. The right to legislate as to the sanitary conditions of shops and factories, safety of railroad equipment and appliances, hours of work of women and children and even men, and especially conditions in dangerous trades and callings has

long been recognized and approved, and without this right the master would be left with the unrestricted power to maim and kill, to possess and destroy and starve, provided he could find men, women and children so weak and helpless that they would choose the hazardous employment rather than be left without work.

The old doctrine of the unrestricted right to buy labor in the cheapest market, unfettered and unhindered by any conditions of sanity, safety or humanity has long been obsolete in every civilized land. Most countries have gone so far as to protect even animals against abuse and overwork and underpay. Whether man would need this protection if natural opportunities were free and he could exercise his vaunted inalienable right to work, is not worth the while here to discuss. Man has not a right to apply his energy to the bounties of nature until the master gives him a chance to work, and so long as this right is so monopolized that he must look to the employer for a job he is forgetful of himself and recreant to his class, if he fails to impose all reasonable restrictions and conditions, and exact all just terms in the service that he sells.

It is one of the fundamental principles of trade unionism that each member is responsible for his brother's condition. The duty and concern of the union is to preserve the rights of its humblest member. This it cannot do without an organization of men who are ready and willing to stand or fall together.

That each is responsible for the rest is not a maxim that trade unionism alone has laid upon its members. The law has enforced this responsibility on workmen, sometimes to the

most unjust and unreasonable degree. The employer insists that he has the absolute right to employ and discharge at will, and yet the courts always insist that every workman is responsible for the negligence and lack of skill of his fellow workmen, and if he is not satisfied to assume this burden, he must quit his job. The land is full of cripples and widows and orphans whose injuries were caused by the negligence of a fellow servant, whom the employer forced upon the workman. And the courts have turned out these cripples and widows and orphans without redress upon the theory that each workman was responsible for his fellow. In a railroad employing fifty thousand men, each workman cannot personally know all the rest, but so long as the courts have said that they must be responsible for their conduct they certainly have a right to say that they will work only with men who have enough regard for their fellows to join them in a labor union for their self-defense.

The position of trade unionism as to the open shop, as well as to most other questions, is generally misstated and never understood. Of course, the union has no power or right through force and violence to compel the employer to hire only union men. All they can do is to say that they will not work for anyone who employs non-union men either directly in his factory or mill, or indirectly by the material with which he works.

The right of the union to take this position is a question of ethics, not of law. There can be little doubt of the legal right of a workman to refuse to work for any employer for any cause, good or bad, that is sufficient to himself. While it is possible that here and there some

judge may have denied this right, these are very few and far between. The courts have uniformly decided that employers may refuse to hire union men and may even boycott union men and send them out to tramp from state to state in search of work, and there can be no doubt of the right of workmen to refuse employment where non-union men are put by their side.

The question, then, is purely one of ethics and of union policy, which latter question is in the province of the organization alone.

One of the chief objects of the trade union is to form such a complete and perfect organization of its craft that through their officers and agents they will be able to make a collective bargain with their employes. To do this the craft must have such a large proportion of organized men as to make it impossible, or, at least, undesirable for the employer to deal with individual men. That employers always choose to deal with individuals, except where the strength of the union compels its recognition, is proven by the whole history of trade unionism. From the time when the employers were able to make laws absolutely forbidding unionism down to the present day every device and means have been resorted to that an individual workman should be obliged unaided, to make terms with his employer, or, rather, to accept such terms as the master saw fit to impose. The acceptance of collective bargaining by employers in the first instance has always been strongly against their will. This has been fought as every new privilege and right gained by the common people has ever been contested by the ruling class.

But when full recognition of the union has been granted in good faith; when the employer

concedes the right to organize, the right to representation, the right to collective bargaining, then there can no longer be any reasonable or honest objection to the closed shop on the part of the employer. Of course, if the union is narrow and exclusive and fixes hard or unreasonable terms of membership or harshly and unjustly limits apprentices so as to work a hardship to the laboring class, then the workman has the right to object. Doubtless, in the history of trade unionism this has many times occurred, but it is not in line with its principles and policies, and has no necessary connection with the closed shop. The rule of trade unions is to urge all members of the craft to join on the easiest terms. No doctrine, or creed, or condition of any kind is required or imposed—except allegiance to the union and a purpose to stand together in making contracts, and fixing terms and conditions for the service of its members. Of course, too, it must be assumed and agreed, as is always the case, that the union shall at all times be able and ready to furnish a sufficient number of competent workmen, on the agreed terms, to meet the employers' desires. The master does not need to employ any man who comes, he may pick and choose according to his will, subject only to the condition that he must have union men.

The battle waged by trade unions to gain and keep some independence for the workmen has been long and costly, and their rules and regulations have grown from the hard and bitter experience they have passed through. The novice is always ready to criticize every business he does not understand; any person not familiar with the running of trains can readily see how unreasonable are the rules laid

down by the railroads charged with the lives and safety of their patrons. A closer examination and a better knowledge shows how most of these rules, at least, are not only reasonable and just but essential to the safe conduct of the road. So the novice, especially the prejudiced novice, finds the rules and regulations of trade unions arbitrary, senseless and unjust. A closer study would show them how all of these have arisen from the necessity to meet conflicting interests and a wily enemy ever on its guard. For the history of trade unionism, as, in fact, the history of the rise of the common people toward the measure of independence they now enjoy, is one long tale of struggles, defeats and victories, and every single step in their progress has been against the most stubborn opposition and at the greatest cost.

The demand for a closed shop is nothing but the means that experience has shown is essential to protect the liberty they have won and give some vantage ground for other triumphs yet to come.

To establish a trade agreement, a recognition of the union is a most important step, but to protect it when established is of no less concern. The enemy is ever busy, always resourceful and ready to attack directly or indirectly, plainly or covertly, fully or in detail, and the army of trade unions must carefully guard each point that might be subject to attack. The so-called open shop furnishes the best possible means to drive the organization from every point of vantage, and in the end to disrupt and destroy. The closed shop is the only protection of unionism for its trade agreement and the defense of its individual men.

The master always claims the right to hire

and to discharge as he sees fit. This is one of the privileges of being a master. The master can choose his man, but all men cannot choose their masters. This does not come from an agreement alone, it comes from the facts of life. The master can afford to wait, he is not dependent on this man or that. The man must have his job—he cannot wait. So long as the master has the power to hire and to discharge, human nature dictates that he discharge those who for some reason he does not want, and that he hire those whom he desires. The men he does not want are the ones who are hostile to his interest, who interfere and hinder and hamper in his one desire—the making of profits for himself The men he especially does not want are the union men, always the most courageous, the most independent, the most insistent on their rights. And of the union men, those who are the most active, the officers and the agitators, are always marked to "walk the plank." The master is not bound to give excuse. It is his to command; he dismisses the man, because he does not want him. Even if he found it best to give a reason, it is always easy to find a reason for anything you really want to do. No man can long serve any employer without making some mistake; errors of judgment and mistakes are inherent in the nature of man. For instance, a motorman cannot long run a car in a crowded street without accident. For accidents are the common lot. But the mistake of the one servant is overlooked and that of the other met with instant dismissal. The open shop means only an open door through which to turn the union man out and bring the non-union man in to take his place. This is not theory. The history of unions has shown it over and over for

so many years that even the novice knows that his bread is in constant peril in the open shop. Not only does this system furnish the opportunity to destroy the union by the discharge of its members, but the menace is ever present like a sword above the victim's head. He knows that his job may be and often is dependent entirely upon his lack of interest in the union, which to him is all important, both to himself and his fellow workmen.

But aside from the question of direct discharge, the open shop is full of annoyance and danger for the workman. Every man desires to do the best he can. He looks for the largest returns for the smallest exertion of energy and strength. In any great institution there are many places of vantage; many jobs that are easy and many more that are hard. Here the employer, or, more often, the boss, has an immense leverage upon his men. As a general rule, the boss is more feared than the employer himself. His term of service depends on the good will of the employer, and his interest is ever leading him to truckle to all of his master's feelings and desires. The employer does not want the union, the boss simply hates the union; thus the promotions, the easy places, the favors, all fall to the non-union workmen, whose presence and whose attitude are ever helpful to the employer and a menace to his fellow workman. If someone is to be relieved for a day, if a laborer is given extra work, if a workman is specially commissioned for an important duty, and if someone is to be promoted it is always the non-union man. This is his reward for minding his own business. In other words, being unfaithful to his class. Union men are much like other men. They cannot long be persuaded to pay dues, to make

sacrifices for their organization, when they find that others are favored or promoted over them, or receive special privileges because they are non-union men.

The very reason that keeps men from joining the unions of their craft makes them more servile and cringing to their employer; makes them ever subservient to his demands. They have learned well the lesson of the masters that to thrive you need only work hard and do all in your power to get the good opinion of your boss. So this class is ever ready to submit to encroachments; to take longer hours; to consent to poorer conditions; to make no trouble over unsafe tools, and to even let their wages be reduced. If women are employed to take the place of men, and children in turn drive the women out, this is no concern of theirs. Perhaps from their families they may be even able to furnish the women and children to do the work.

It is not so very long since a large part of the coal of England was mined by women, since they were even harnessed to coal cars down deep in the earth, and on their hands and knees drew cars of coal from the darkness up to the point where they were relieved by mules. It is not long since little children from 8 years of age were placed in these mines with their fathers and mothers and were penned in the constant whir and din of the spinning wheels of England for ten, twelve and even fourteen hours a day, and it is due to the trade unionism of England that these inhuman conditions are gone forever. But every step of advance was stubbornly fought by employers who violently contended that not only their fortunes, but the safety and glory of the British empire rested upon the unpaid labor of these helpless

slaves. And if trade unionism today should flag or grow grow weary, should hesitate and falter, should give up its demands for the recognition of its union, its collective bargains, and its closed shop, if the field should be abandoned to the employers and their agents the great sea of weak and helpless men and women and little children would sweep away the industrial conditions that organized labor has won through its devotion and its struggles, and America would live over the dark industrial history that England passed through.

It will not do to say that employers are too wise and too humane; they are employers and are victims of the markets in which they buy and sell. The market is not patterned from the best employer, but is as stupid and brutal as its worst.

To prevent trade unionism from being conquered in detail; to save its members from being thrown out of the open door to make room for the servile and the weak; to maintain in shop and mill the best conditions that unionism has won, and to look forward to others better still; to save the workman from his once long hours of toil and to provide a day shorter yet, needs every effort of every union man, and without the right to protect themselves by refusing to work with those whose weakness or stupidity makes them recreant and unfaithful to their class, trade unionism can neither hold that which it has won nor look forward to greater victories still.

But aside from the constant aggressions of the employing class trade unionism cannot be true to its own members without the right t demand the closed shop. The expenses and burdens of the union are no small item to the

member who receives but little pay for the work he does. As a price for the protection of the union the members must give up their earnings to support the organization; they must be ready and willing to contribute to any brother on a strike or in need of help; they must be ready at a minute's notice and at whatever inconvenience and *sacrifice* to self and family to lay down their tools and go out on a strike—a strike always doubtful, dangerous and uncertain; a strike which may be for someone else, and over no grievance of his own; a strike which may bring victory, and again may mean not only failure to accomplish the desired result, but the loss of his job, his means of life. It may mean even the blacklist that shall send him branded up and down the land, with no chance to earn his bread.

All these chances and dangers, not less than those of a soldier on the field, the trade unionist assumes for his devotion to his cause and his faith that united action and unbounded loyalty is the duty of every member of his craft. That his devotion through all the years has brought labor no mean reward, and through labor and the humanizing condition for which trade unionism has ever stood brought strength and greatness to the race, is as much an established fact as the effect and influence of a religion or any other social movement of the race.

The dangers that the unionists have encountered, too, have come ever from the non-union workman, who not only refuses to unite with him, but often joins the enemy at the most critical time and gives his energy and his labor to defeat his class. And the hard won victories of unionism have been won, not only in open

contest with the employer, who might be supposed to be on the other side, but have been won against the cowardice and treason of these same non-union men.

But however the non-union man may join the enemy to defeat shorter hours and better wages, when he has lost his fight and the unions have triumphed, he is always the first man to demand the rewards of another's efforts and to profit by the courage and devotion of the men he did his best to defeat and to betray, and the employer, too, realizing that this man has given all the aid he could, is ever ready to pay him for his disloyalty to his class. In the heat of the contest the employer gladly gives this workman more than the union demands, and when the fight is over, of course, places him on at least equal terms.

If the man who not only refused to help, but joined the enemy in time of war, shall be allowed, without danger or cost, to reap the fruits of the union's victory, then few men will be found who will assume the danger and the cost. If the rewards of victory can come to him who made no efforts and took no risk, but profits from the privation and suffering of his fellows, then most men will prefer to take that course. To say that the fruits of victory should come without effort, nay, as a reward for cowardice and disloyalty, is neither right in the realm of ethics nor in the practical work-a-day world.

The reward is for the men who have borne the heat and burden of the day, and unless it shall be reserved for them and those whom they wish to aid, there can be no reason for sacrifice and no reward for fidelity. Men may willingly, even cheerfully, work for the weak

and humble, for those not able to protect themselves, but it is asking too much of human nature to require that they shall brave disaster and defeat for the enemies who seek to undermine and destroy their cause.

No one claims that all trade unionists are wise or even honest, much less that they have not made endless mistakes in the past and will not continue to err while time shall last. Neither is trade unionism an ideal institution. It was evolved to serve a purpose and to perform a duty in the upward march of the human race. It was made to fit a condition of society divided into the employing class and the serving class. Its mission is to protect the weak against the strong. In the great industrial strife that has come down through the ages and which will prevail until the capitalist and the laborer are one, trade unionism has fought the battles of the workman. And in fighting for the wage-earner it has fought for greater liberty to man. War and strife are not ideal states, but they have been ever present with the human race, and so long as the war of classes shall continue, the weak and helpless must ever look to trade unionism as its chief champion and its most powerful defender. But when its work is done, and class struggles are at an end, trade unionism will be no more. Then all men will be brothers and the highest good of all will be the fond desire of each.

E. HALDEMAN-JULIUS
Editor
LITTLE BLUE BOOKS